

REMARKS

Claims 1, 2, and 4-6 are pending in the present application. Claims 3 and 7 have been cancelled without prejudice or disclaimer. Applicant also encloses a substitute drawing sheet for Fig. 4, which includes correct margin specifications in accordance with the Draftperson's objections as indicated on form PTO-948. Applicant respectfully requests reconsideration of the pending claims in view of the remarks set forth below.

In the Office Action, the Examiner rejected claims 1, 2, and 4-7 under 35 U.S.C. § 103(a) as being unpatentable over Cutler, Jr. (US 5,678,184). Applicant respectfully traverses this rejection.

In the rejection, the Examiner contends that Cutler teaches a method for performing handoff within a mobile communication system having at least one first communication device (ISU 26) for communicating with a plurality of second communication devices SCDs (satellite 12). Specifically, the Examiner contends that Cutler discloses transmitting from at least one of the SCDs to the first communication device a handoff list of SCDs to which the first communication device is permitted to handoff when in a system access state. The Examiner acknowledges that Cutler fails to teach to transmit a channel assignment message from each of the SCDs in the handoff list. The Examiner then alleges that it would have been obvious to have each of the satellites for the respective cells in the handoff list to send channel information directly to the ISU since it is allegedly well known for base stations in neighbor cells to send out information in a pilot channel for the subscribers in the neighboring cell to detect and use. Applicant respectfully traverses this rejection.

Applicant respectfully submits that although Cutler may teach to transmit a candidate handoff cell list to the ISUs in a particular cell, Cutler fails to teach to transmit a channel assignment message to at least one communication device from each of the second communication devices in the handoff list as set forth in independent claims 1 and 6 of the present invention. Applicant respectfully submits that the Examiner has failed to provide any evidence whatsoever that it is known to transmit a channel assignment message to at least one communication device from each of second communication devices in a handoff list. Although the Examiner may allege that it is known for base stations in neighbor cells to send out

information in a pilot channel for subscribers in neighboring cells to detect and use, this is insufficient for teaching to transmit a channel assignment message to at least one communication device from each of second communication devices in a handoff list. Accordingly, because Cutler fails to disclose to transmit a channel assignment message to at least one communication device from each of the second communication devices in the handoff list as set forth in independent claims 1 and 6 of the present invention, Applicant respectfully submits that Cutler cannot possibly make obvious claims 1 and 6 of the present invention and all claims dependent thereon. Therefore, Applicant respectfully submits that the rejection set forth by the Examiner is improper and should be withdrawn.

The Examiner rejected claim 3 under 35 U.S.C. § 101 as claiming the same invention as that of claim 1 of U.S. Patent No. 6,178,164. Applicant respectfully submits that this rejection is now deemed moot in view of the cancellation of claim 3.

The Examiner further rejected claims 1, 2, and 4-7 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 13 of U.S. Patent No. 6,178,164. Applicant will file a terminal disclaimer thereby obviating this rejection once the Examiner has indicated allowability of the claims over the prior art of record.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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